

HIOSH ADVISORY COMMITTEE MINUTES

Thursday, August 17, 2006

HIOSH Training Room 427

1:05 to 2:35 p.m.

Present: Ernest Balatinez, Balatinez & Associates Safety Consultants
Reynard Burgess, KD Construction, Inc.
Paul Chang, Hawaii Carpenters Union, Local 745
Paul Dill, County of Hawaii
Tracy Hayashi, Hawaii Electricians Training Fund
Clifford Higa, Safety Systems Hawaii
Alan Hiramatsu for Thomas Vendetta, City & County of Honolulu,
ISWC/Human Resources
Clayton Kamida, Hawaii Employers Council
Joann Kealoha for Delbert DeRego, ILWU Local 142, Maui Division
Dr. Charles Kelley, Outrigger Hotels
Paul King, Actus Lend Lease, LLC
Timothy Lyons, Hawaii Business League
Mardi Miyamoto for Daniel Vasilash, General Contractors Association of Hawaii
Robert Nakamatsu, State Department of Human Resources Development
James Newberry, American Society of Safety Engineers
Mike Redman, Hawaii Employers Mutual Insurance Company
Gareth Sakakida, Hawaii Transportation Association
Richard Vieira, Hawaii Painter's Union
Clayton Winger, Monarch Insurance Service

Absent: David Aki, Hawaii Teamsters, Local 996
Lani Bjork, Hilton Hawaiian Village Hotel
Richard Botti, Legislative Information Service of Hawaii
Patrick Cheng, Airgas Gaspro
Joaquin Diaz, Dick Pacific Construction Co., Ltd.
Thomas Goob, American Industrial Hygiene Association
Janelle Kanuha-Marshall, Marine Corps Community Service
Joseph O'Donnell, Ironworkers, Local 625
Clifford Uwayne, United Public Workers
Shelley Wheeling Park, Kaiser Permanente of Hawaii
James Zane, McCabe, Hamilton & Renny Co., Ltd.

HIOSH: James Hardway, Director's Office, Dept. of Labor & Industrial Relations
Ellen Kondo, Consultation & Training Branch, HIOSH
Deirdre Yamasaki, HIOSH (Recorder)

The meeting was called to order at 1:05 p.m. by Chairperson James Newberry. A quorum was present.

1. Member introductions and roll call.
2. The May 18, 2006 minutes were approved as amended.

3. HIOSH Activities and Status Report

a. HIOSH Third Quarter Performance Update

Mr. James Hardway reported the following:

- For Safety Inspections, HIOSH's expectation is to inspect 640 premises during the program year. Currently, HIOSH has inspected 536 premises, which is 87%. HIOSH is projecting to go 35-50 inspections over that goal.
- For Health Inspections, HIOSH's expectation is to inspect 180 premises during the program year. Currently, HIOSH has inspected 163 premises, or 95.
- For Consultation Visits, HIOSH's expectation is to complete 288 consultation visits. Currently, HIOSH has completed 193 consultation visits, or 67-70%. At an average of about 14 inspections a week, HIOSH may be a little under their goal, but will meet it by the end of the fiscal year, which is September 30, 2006.

Mr. Newberry asked if credit was given for assistance to SHARP. Ms. Ellen Kondo replied HIOSH gets credit only for initial visits, training assistance and follow-up visits. Mr. Hardway stated that even if Consultation and Training's numbers are not met, HIOSH did a lot. VPP and SHARP, which are time intense, were given emphasis.

Ms. Kondo informed that HIOSH still has vacancies for the following:

- Occupational Safety Branch's Safety Branch Manager; Safety Branch Supervisor; and an Occupational Safety and Health Compliance Officer position on Maui are vacant.
- Occupation Health Branch has three Environmental Health Specialist positions vacant.
- Administration and Technical Support Branch's Administration and Technical Support Branch Manager's position is vacant. HIOSH is currently interviewing for this position.
- Consultation and Training Branch has three Occupational Safety and Health Advisor positions vacant. The Honolulu Advertiser's September 10, 2006, Sunday edition will have a recruitment announcement for these positions.

Mr. Hardway informed that given the current labor shortage, HIOSH is trying to look at short-term and long-term strategies for the vacancies. The short-term strategy would be to redescribe the positions. For the long-term strategy, HIOSH is looking into establishing a scholarship program with a university where a commitment is given to work a certain amount of years in exchange for college education funding. HIOSH is also looking into establishing an apprenticeship type of program. Mr. Hardway said that if the committee has any ideas, other than raising the salaries, to help resolve the vacancy problem, especially for the short-term strategy, to please let him know.

b. Initiatives

Foreign Language Safety and Health Training Videos

The current construction, small business and health care training videos will be translated into the five predominant foreign languages for each industry. HIOSH is waiting for translation companies to return their request for bid.

Substance Abuse Awareness Campaign

A substance abuse awareness campaign will be designed to address the current substance abuse situation at the worksite and homes. HIOSH is working on soliciting bids for this project.

Tie-Off Public Awareness Campaign

HIOSH will be reinitiating this campaign.

Volunteer Protection Program Special Government Employee Training

The Volunteer Protection Program Special Government Employee training will be held the second week of October. Private consultants will train employees of VPP companies and HIOSH staff for VPP qualification.

Small Business Workshops

HIOSH is requesting bids for free small business workshops on all the neighbor islands. The workshops will focus on construction, small business, and health, or whatever area is needed on those islands from industries that show interest.

Mr. Hardway informed the HIOSH Advisory Committee members to contact Ms. Celine Ferreira or Mr. Todd Upton at the Director's Office if they are interested in working on any of the projects or initiatives.

4. VPP, SHARP, Anahele Program Updates

Ms. Kondo reported HIOSH has 5 VPP companies and more than 30 SHARP companies. The Anahele awards were presented at the 2006 Governor's Pacific Rim Safety and Health Conference on May 10-12, 2006, at the Sheraton Waikiki.

HIOSH has a list of companies that applied for the SHARP program. The list was reviewed to determine which companies were making a good faith effort towards SHARP. About 20 companies were removed from the pre-SHARP list so that they will not be on the list indefinitely and will have more incentive to be put back on the list.

Mr. Reynard Burgess stated Consultation and Training Branch deserved a hand for their fantastic numbers on consultation visits.

Mr. Clayton Winger asked if the public sector was being ignored from participating in the SHARP and VPP programs. Mr. Paul Dill responded that the County of Hawaii has not given the VPP and SHARP programs consideration. Mr. Robert Nakamatsu responded that since the State of Hawaii does not have accountability for injuries, and workers' compensation is covered for all departments, it would be hard to qualify for the VPP and

SHARP programs. Mr. Alan Hiramatsu responded that the City and County of Honolulu is not being ignored. Whether or not the City and County of Honolulu would want to be considered for the program, Mr. Thomas Vendetta would need to respond. Mr. Hardway responded that the public sector may not be aware that they could participate in the VPP and SHARP programs due to HIOSH not going to places and stating reasons why they should.

Dr. Kelley asked if an agency or department within government could qualify for VPP. Ms. Kondo responded it would have to be site specific. Mr. Newberry stated it would be easier than the whole State or the whole county. Mr. Paul King stated the program was established to target industries with the highest risks, with the highest frequency to get them to voluntarily reduce injuries. As long as standards were met, HIOSH would leave them alone. If the public sector does not have any problems, then they do not need to be in the program. Mr. Hardway stated public institutions were never inspected. Last year was the first time HIOSH inspected the fire department. Dr. Kelley asked if there is a similar program for government entities. Ms. Kondo responded that financial resources are the biggest problem for public entities, so correcting a hazard would take a long time. Mr. Winger stated HIOSH could be SHARP-certified. Mr. Hardway responded there are states that have done that.

5. HIOSH Advisory Committee Activities

Six weeks ago, Mr. Newberry sent an email containing items from the past two meetings requesting feedback or contributions.

One item was the Director requesting the HIOSH Advisory Committee to not only be a sounding board, but to actively contribute. Mr. Newberry suggested that the HIOSH Advisory Committee could contribute by commenting and advising on “Tie Off...It’s Your Life” or on the activities that the Construction Safety Council is doing, since some of the committee members were from the construction industry.

Another example would be giving feedback on the Construction Safety video. Copies of the Construction Safety video are on the DLIR and ASSE website. The video contains a quiz and an advertisement which encourages utilization of Consultation and Training services. The video is about 45 minutes long. Since the video contained basic level information, Mr. Newberry considered the video to be an orientation to new people coming into the construction industry. Mr. King showed the video to his staff. He felt the video was a good reminder and would like to see more videos like this as well as for the general industry side. Mr. Newberry agreed with Mr. King that the video was a good orientation and reminder. Mr. Winger asked how many people watched the video and who made and came up with the storyline for the video. Two members watched the video and one member saw half of the video. Ms. Mardi Miyamoto and Mr. Newberry replied the video was done by Double Vision, the same company who did the fall protection training video.

6. Free Safety Seminar

The DLIR’s website contains a bid proposal for six free safety seminars. The deadline is Monday, August 21, 2006. Two seminars will be on Oahu, two seminars will be on the Big Island, one seminar will be on Maui and one seminar will be on Kauai. The copy of the bid

proposal is on the DLIR's website, the first item under news release. The Scope of Service is two pages and contains instructions. The request is for 100 people attending each workshop.

7. Sub-Committee Reports

a. Safety Recognition and Awards – Clayton Winger

Mr. Winger reported 15 companies were recognized at the 2006 Governor's Pacific Rim Conference. Mr. Newberry did a great job as master of ceremonies. Mr. Richard Vierra did a good job in getting the awards booklets printed. Booklets containing the best practices that each company had were available at the 2006 Governor's Pacific Rim Conference. Mr. Winger handed out copies. Initially, 36 to 38 companies indicated an interest in the awards, but, for various reasons, a lot of them dropped out. Mr. Winger is considering looking into why those companies chose not to participate and if the HIOSH Advisory Committee could assist in bringing them up to speed for the next go around. Currently, the committee is dormant, but will be brainstorming next month on what they plan to do for 2008. Mr. Winger requested contacting him if anyone has ideas or would like to volunteer.

Mr. Newberry suggested if anyone has any ideas on recognizing people or organizations that are making a difference, the HIOSH Advisory Committee can advise HIOSH on doing their own honors or awards.

b. Drugs in the Workplace – Charles Kelley

Dr. Kelley reported the committee has worked on getting HIOSH to be a resource for programs related to keeping drugs out of the workplace. HIOSH has done a tremendous job of getting some information on the website. Dr. Kelley handed out copies from the DLIR and HIOSH's websites, with instructions on how to access them. From DLIR's website (<http://hawaii.gov/labor/>), select "Divisions & Agencies", then select "Hawaii Occupational Safety and Health" from the drop down list. After HIOSH's website appears, click on the tab "For Employers". Under the For Employers list, click "Drug-free Workplaces". Links to resources to help develop drug-free workplaces will be available. Since HIOSH cannot enforce a drug free workplace, this information will help employers on what they can do.

Mr. Burgess shared that his company has a drug awareness program that has introduced a drug-free workplace program which was implemented with the union. Mr. Burgess' company makes the employee aware how serious the company is about drugs in the workplace during the pre-employment paperwork and orientation sessions and by having random drug tests done. If an employee tests positive, they can go through programs with the union and, after successfully completing them, their job will still be waiting for them. This program has been in place for four years and has not taken effect until this past year. Mr. Burgess has found that supervisors are the hardest people to get into the program.

Mr. Ernest Balatinez informed that, within the last 2½ years, he has seen companies catch 27 people by using drug testing programs though random, just cause and post accident

injury. Considering he was dealing with only five clients, this number is high. Each company had different requirements. A lot of the companies would allow the employee the opportunity to “self enroll” in a drug rehab program. A lot of companies put the employee on suspended leave without pay for 30 days. One company had the employee enroll in a program and had the counselor notify their safety director. Mr. Balatinez deals directly with the counselor on following up and making sure the employee is going to his appointments. After 30 days, if the employee can provide a clean sample, he is given employment subject to random testing at the company’s discretion. As long as the employee can provide a clean sample, he can keep his employment. Some companies let the employee work for a competitor so that their rates will not go up. Mr. Balatinez recommends looking into programs that allow a drug rehab at the least expense because if the employee transfers to another company, he is a hazard and if he is unemployed, he will convert to dealing and selling drugs, and revert to crime.

Mr. Newberry informed that some drug-free workplace websites encourage the employer to have an employee assistance program. This causes employers to not have a drug free workplace policy. Mr. Balatinez suggested splitting the costs with the employee. Mr. Burgess informed that because the workers’ medical plan does not cover this, there is a company called EAP, Employee Assistance Program. This program gets you to the proper places.

Mr. Paul Chang added that unions are also leery about getting into drug-free workplace programs. He shared that the carpenters are coming across companies that set their own policy on what are considered “bad drugs”. Insurance companies are setting the standard. Workers are turned away because they are testing “negative diluted” due to a chemical in protein drinks. Companies turn workers away so that their premiums will not go up, and the employee ends up working the next day at another company. Mr. Burgess stated if an employee tests “negative diluted”, they are supposed to go back within a certain time and be tested again. Dr. Kelley stated that federal rules lay out what drugs they test for. Private companies’ rules always test for the same thing. It is usually five drugs that they test for. Dr. Kelley offered to talk more with Mr. Chang.

8. Training Committee

After meeting a couple times, the committee made a list of ideas they would like to pursue with guidance from the HIOSH Advisory Committee. Mr. Balatinez handed out a summary from their meeting. The committee wants to develop an outreach training program. One idea is developing an online training program for HIOSH’s website. General industry and construction companies could download the PowerPoint training and train workers at the jobsite. The PowerPoint presentation could either be developed in-house by HIOSH or contracted out to an independent company.

Another idea is offering companies an instructor training. The instructors would be approved HIOSH trainers. The committee realized they would not be able to train people and issue an OSHA bill. Therefore, the committee did not want to pursue the idea any further without knowing what kind of funding would be available. The committee’s vision is to have a program where any general industry or construction company can get from the website any amount of training, whether it is excavation, compliance space, hand and tools, whatever the

topic and retrieve a PowerPoint training or request from HIOSH an instructor training seminar. Mr. Hardway stated that funding would not be a problem. If the committee is interested in creating videos, the committee needs to list in detail the script, what area they want to look at, and what the training video needs so that three bids can be requested. The PowerPoint training would need more resources than funding. Mr. Hardway requested what the cost would be. Mr. King stated as a safety consultant, he has observed requests for training that have HIOSH or OSHA's approval of what is needed. Mr. Burgess will share with the committee some PowerPoint examples he has put together. Mr. Mike Redman will send the committee his link to viewing over 256 PowerPoint presentations. It was requested if any members had information they could share with the committee, please send them.

9. New Business

Mr. Burgess shared he is part of a VPP committee that gets together with Mr. Upton every three months to discuss how they can help other companies trying to become VPP or make VPP status. Although there is not many of them, the committee is strong. The committee would like to see more people get involved. Mr. Burgess requested from the HIOSH Advisory Committee members to inform him of any issues they would like for him to bring up at these meetings. The committee would like to help. It is not about the awards, it is about the benefits as a VPP company that you can offer to employees.

Mr. Hardway informed that the crane operator rules are currently being discussed between the board and the Attorney General's Office. Mr. Hardway will be posting a one-page fax sheet that will answer some questions on the DLIR website. The board will still require crane operators to be National Commission for the Certification of Crane Operators certified or equivalent. The DLIR is trying to get the rules to public hearing before the end of the year.

Mr. Jim Peck informed American Industrial Hygiene Association had a teleweb on third party liability and construction. Although an employee cannot sue their own company because of workers' compensation, they can go after anybody else. If the law states that there needs to be crane certification and a company does not have it, if the crane causes a problem, the company is not out of the woods. Mr. Peck reported, for underground utilities there is a law but no enforcement, so if a company digs up gas or electric lines and someone gets hurt or killed, just because there is no enforcement does not mean that you are not potentially in trouble.

Election of a Vice-Chair will be held at the next meeting on November 16, 2006. Be prepared to nominate and vote.

Meeting adjourned at 2:35 p.m.

Next meeting is scheduled for November 16, 2006 at 1:00 p.m. in the HIOSH Training Room (830 Punchbowl Street, Room 427)